

REMARKS

This is responsive to the Office Action dated February 17, 2005 in which the Examiner rejects all the pending claims 1- 41 as being anticipated by Brown, Jr (US Patent No. 5,553,340), Weiss et al. (US Patent No. 5,270,909) or Barber (US Patent No. 6,223,372) under 35 USC §102(b), and also as being obvious over Brown, Jr, Jones (US Patent No. 5,815,873) or Lin (US Patent No. 6,098,226) in view of Weiss et al, Barber and/or other prior art described in the Specification under 35 USC §103(a). Claims 1-17 and 19-22 are further rejected under 35USC §112 for being indefinite. Applicant has amended independent claims 1, 18, 25 and 35 to define the present invention in clearer language. Dependent claims 19, 20 and 26 are also amended accordingly for consistency. Applicant respectfully traverses the rejections of the Examiner, as explained below.

First of all, Applicant believes that a brief explanation of the present invention will be helpful in understanding the patentably distinguishing features of the present invention over the cited prior art. The present invention discloses a novel carabiner tool assembly, which comprises a body portion having an opening for accepting a tool or pass the tool therethrough in a direction along a longitudinal length of the tool such that the tool extends from the body portion, and a carabiner extending from the body portion, as expressly recited in amended independent claims 1 and 35. In preferred embodiments, the tool may be a screwdriver (independent claim 18) or a measuring tape (independent claim 25). The tool assembly of the present invention is compact in structure. Applicant respectfully submits that the present invention is not anticipated or obvious in view of the cited patents, as explained in detail below.

I. Rejections Under 35 USC §102(b)

Applicant respectfully disagrees with the assertion of the Examiner that the present invention as defined in claims 1-41 is anticipated by Brown Jr, Weiss et or Barber because none of them has

disclosed all the features recited in independent claims 1, 18, 25 or 35.

Weiss et al (US Patent No. 5,270,909) teaches to construct a handle loop as a carabiner. However, Weiss does not disclose a body portion having an opening for accepting a tool or pass the tool therethrough in a direction along a longitudinal length of the tool. To avoid any misinterpretation, Applicant further defines in independent claims 1 and 35 that the opening is provided to accept the tool or to pass the tool therethrough such that the tool extends from said body portion. Thus, even if the batteries in the flashlight are interpreted as the “tool”, the batteries clearly do not extend from the body portion of the flashlight. Moreover, Weiss et al does not teach that the tool is a screwdriver or a measuring tape, as recited in independent claims 18 and 25 respectively.

Brown, Jr (US Patent No. 5,553,340) teaches a power chain saw utility tool which may comprise a screwdriver. However, no carabiner is disclosed in Brown. Moreover, Applicant respectfully submits that, contrary to the assertion of the Examiner, it is clearly shown in Fig. 5c that neither the loop 36 nor the detachable fastening device 64 is a carabiner that is expressly recited in independent claims 1, 25 and 35. As to independent claim 18, the detachable fastening device 64, which may comprise a “selectively openable gate assembly”, does not extend from the body portion as expressly recited in claim 18. Therefore, claim 18 is also not anticipated by Brown, Jr.,

Barber (US Patent No. 6,223,372) teaches a foldable knife with a carabiner handle. However, similar to Weiss, Barber does not disclose an opening for accepting a tool or pass the tool therethrough in a direction along a longitudinal length of the tool. To the contrary, it is clearly shown and described in Barber that the knife blade 40 is folded into, or unfolded from, the side slot 42.

Moreover, none of the other cited patents have disclosed all the features recited in independent claims 1, 18, 25 or 35. Thus, all the claims are not anticipated by any of the cited patents under 35 USC §102.

II. Rejections Under 35 USC §103(a)

Applicant respectfully disagrees with the assertion of the Examiner that the present invention is obvious over combinations of the cited prior art, because no suggestion or motivation can be found in either Weiss or Barber, both of which disclose a carabiner structure, to apply such a carabiner structure to any of the items disclosed in other cited patents.

In particular, Weiss teaches to construct the handle loop of an item with a carabiner structure, so that it can be used as both a normal handle loop for holding the item by hand, or a carabiner for attaching the item to something else. There is no motivation or suggestion in Weiss that the carabiner structure is also intended for being used in an item that normally has no such a handle loop. Similarly, the carabiner structure disclosed in Barber is also normally used as a handle loop for holding the knife by passing the fingers through the loop (see, e.g., col. 3, lines 25-28). Therefore, it is unlikely for a person in the art to learn from Weiss or Barber to introduce such a handle loop carabiner structure to an item that normally does not have a handle loop for holding or operation, such as a screwdriver or a measuring tape as disclosed in the present invention, in the prior art described in the present application, or in other cited patents.

Therefore, Applicant respectfully submits that claims 1-41 are not obvious in view of the cited prior art under 35 USC §103(a).

III. Rejections Under 35 USC §112

Applicant respectfully submits that the amendments to the claims have overcome the deficiencies in claim language, and thus respectfully requests the rejections under 35 USC §112 be withdrawn.

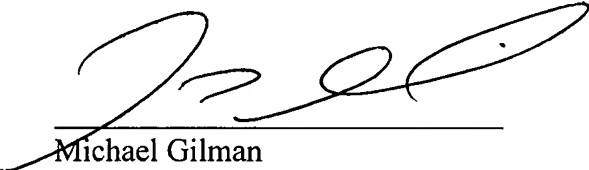
Therefore, Applicant respectfully requests reconsideration and allowance in view of the above remarks and amendments. Applicant does not believe any additional fees are required with this Amendment. However, should the Examiner for some reason feel otherwise, the Commissioner is authorized to deduct such additional fees from our Deposit Account No. 11-0223, with applicant reserving herein its right to later object to such fees.

Applicant encloses herewith a Request for a One Month Extension of Time to respond to the February 17, 2005 Action. The Commissioner is also authorized to deduct any additional fees needed with regard to this extension from our Deposit Account No. 11-0223.

Respectfully submitted,

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Dated: June 17, 2005



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail, in a postage prepaid envelope, addressed to Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 17, 2005.

Dated June 17, 2005 Signed  _____ Print Name Michael R. Gilman

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